

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

September 3, 2019
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 8, Absent 1. Council Member Fernando Alvarado was excused from the meeting.

Also present were Interim City Administrator Brian Gramentz, Police Chief Jim Felt, Park and Recreation Director Rob Baumgarn, Planning and Development Services Director David Ramstad, Public Works Director Sean Christensen, City Clerk Judy Thompson, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Fagerlie moved to approve the agenda as presented. Council Member Asmus seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of August 19, 2019
- B. Willmar Municipal Utilities Board Minutes of August 26, 2019
- C. Planning Commission Minutes of August 7, 2019
- D. Planning Commission Minutes of August 21, 2019
- E. Accounts Payable Report August 15 – August 28, 2019
- F. Human Rights Commission Minutes of April 16, 2019
- G. Willmar Lakes Area CVB Board Minutes of June 18, 2019
- H. City Hall Task Force Minutes of July 16, 2019
- I. Willmar Main Street Board Minutes of August 26, 2019

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Nelsen seconded the motion which carried.

Mayor Calvin read a Proclamation declaring September 9, 2019 as “League of Women Voters Centennial Day” and congratulated the League of Women Voters Willmar Area on the Minnesota State League’s 100th Anniversary. Mayor Calvin then presented the Proclamation to League of Women Voters representative Jan Forkrud, and recognized other representatives Jan Dahl and Cheryl Halverson who were also present.

Glenn Negen, Willmar, addressed the Mayor and Council during the Open Forum. Mr. Negen wanted to again invite everyone to attend a Patriot Day Event to be held September 10, 5:30 p.m. – 9:30 p.m. at the Willmar City Auditorium. He also touched on some negative feedback that has been received and various past training events that he has participated in.

Heidi Ahmann, Willmar, addressed the Mayor and Council during the Open Forum. Ms. Ahmann wanted to promote and invite everyone to attend a Patriot Day Event to be held September 10, 5:30 p.m. – 9:30 p.m. at the Willmar City Auditorium. On this 18th anniversary of the events of September 11, 2001, this event is being held to recognize and remember with community, and also honor the men and women who have either served or are serving and sacrificing for us. Guest speaker will be William J. Federer who is a nationally-known speaker and best-selling author. He will be speaking at 6:30 p.m.

Jed Bendix, outside Willmar, addressed the Mayor and Council during the Open Forum. Mr. Bendix wanted to invite everyone to attend a Diversity Walk in downtown Willmar on October 5, 2019. The event will

begin at 9:00 a.m. at the Goodness Coffee Shop located at 333 Litchfield Avenue Southwest. There will be a speaker at 9:00 a.m. with the walk beginning at 9:30 a.m.

At 7:19 p.m. Mayor Calvin opened the public hearing for an Ordinance Enacting a New Article III, Floodplain Management in Chapter 14 of the City Code. Planning and Development Services Director Dave Ramstad stated participation in the National Flood Insurance Program (NFIP) has been fully vetted over the course of the past several months and that NFIP participation was approved by the City Planning Commission on Wednesday, August 7, 2019. Dr. Ramstad also stated that nothing has changed in the NFIP application since the first time it was reviewed.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:22 p.m. and opened it up for discussion by the Council. Following discussion, **Resolution No. 19-132 Participate in the National Flood Insurance Program** was introduced by Council Member Fagerlie. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Mueske then offered a motion to adopt, assign a number and order final publication of **Ordinance No. 1440 An Ordinance of the City of Willmar, Minnesota Enacting a New Article III, Floodplain Management in Chapter 14 of the City Code**. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Fagerlie offered a motion to approve publication of said Floodplain Management Ordinance by summary due to the length and cost of publishing entire Ordinance. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

The Public Works/Safety Committee Report for August 21, 2019 was presented to the Mayor and Council by Council Member Asmus. There were three items for consideration.

Item No. 1 Staff brought forth, for approval, the proposal for the gun range professional lead decontamination and ballistic block replacement. Staff is currently trained to clean the range, observation room and classroom with a HEPA vacuum but further annual deep cleaning is required to decrease exposure limits of lead. The blocks are due for replacement as they are reaching their maximum capacity and there is no more rubber material available to encapsulate the bullets. The City received two quotes with Green Bay Lead Services, LLC being the low in the amount of \$34,035 plus \$7,500 per additional cleaning trip if lead testing fails. It was the recommendation of the Committee to enter into an agreement with Green Bay Lead Services, LLC for the ballistic blocks replacement and professional lead decontamination in the amount of \$34,035 plus \$7,500 for additional trips if needed.

Following discussion, **Resolution No. 19-133 Awarding the Auditorium Environmental Services Project to Green Bay Lead Services, LLC in the Amount of \$34,035.00** was introduced by Council Member Asmus. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 2 Staff brought forth, for information, the discussion of potential Rau Park improvements proposed by the Kiwanis Club. A five-year plan was proposed to the Parks and Recreation Board for various improvements such as a new sign, more picnic tables, benches, repairing steps and the parking lot area. This item was for information only.

Item No. 3 Staff brought forth, for information, the MnDOT ADA/Pedestrian Improvements to take place 225 feet west of Ferring Street to Lakeland Drive. Plan review will be submitted in October of 2020 with bid letting scheduled for January of 2021. There is no financial impact on the City for this project. This item was for information only.

The Public Works/Safety Committee Report of August 21, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Asmus. Council Member Nelsen seconded the motion, and carried.

The Finance Committee Report for August 22, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were three items for consideration.

Item No. 1 Airport Manager, Eric Rudningen was present to inform the committee that the city has received notification of a grant award from the US Department of Transportation Federal Aviation Administration. The Grant would fund 90% of the Airport Runway 13/31, Taxiway A, and West Taxilanes Pavement Maintenance project. Bids were opened on June 12, 2019. The City received one bid for \$868,266.50. The Grant application was then submitted to MnDOT and the FAA by June 28, 2019. The total estimated cost of the project is \$1,008,254.50, which is split 90% Federal, 5% State Aid and 5% local. The estimated City of Willmar cost for the project would be \$50,412.73 or \$4,412.73 over the \$46,000 presently in the Capital Improvement Program. Staff indicated that in light of the Public Works Pot Patch Equipment coming in appropriately \$48,000 less than budget, it would be staff's recommendation to re-appropriate \$4,500 of the excess to cover the shortfall for the airport project.

After some discussion, it was the recommendation of the Committee to accept the Federal and State Grants in the amount of \$907,429.05 and \$50,412.73 and authorize the Mayor and Administrator to sign the documents.

It was also the recommendation of the Committee to adopt the Final Project Budget for the Airport Pavement Maintenance Project and re-allocate \$4,500 as recommended.

Council Member Nelsen offered a motion to accept the Federal Grant in the amount of \$907,429.05 Council Member Fagerlie seconded the motion which carried.

Resolution No. 19-134 Authorizing Execution of Minnesota Department of Transportation Grant Agreement for Airport Improvement Excluding Land Acquisition was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Resolution No. 19-135 Final Airport Seal Coat Budget Total Cost \$1,008,255.00 was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 2 Eric Banks from the Recreation Department was present at the committee to present and explain the request to approve the Lease and Advertising Agreements for the Willmar Warhawks for the 2019-2020 hockey season. This will be the 4th year the Willmar Warhawks have been in Willmar, with all leases being annual leases to this point. The lease will generate \$44,500 for ice rental, office and locker room space. This is an increase of \$1,000 from the previous year. The City would receive an additional \$8,000 from the advertising rights. These would be two separate agreements, which require two separate resolutions to approve. It was the recommendation of the Committee to approve the Lease for Ice, Office and locker rooms. It was also the recommendation of the Committee to approve the lease for Advertising.

Resolution No. 19-136 Authorization to Execute Lease Agreement with Blizzard, LLC for Use of the Civic Center for Warhawks was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Resolution No. 19-137 Authorization to Execute Advertising Agreement with Blizzard, LLC for Main Cardinal Rink of the Willmar Civic Center Arena was introduced by Council Member Nelsen. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Item No. 3 The committee reviewed and discussed the July monthly financial report, the upcoming meeting schedule for a possible future special meeting to receive the Mayor's Proposed 2020 Budget and was given sections from the 2018 financial report for review at a future meeting. This item was for information only.

The Finance Committee Report of August 22, 2019, was approved and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Fagerlie seconded the motion which carried.

Public Works Director Sean Christensen stated the City Hall Task Force has been meeting to discuss site selection for construction of a new City Hall. At its last meeting the Task Force directed staff to prepare a presentation on the viability of a conjoined City Hall/Community Center at the current Community Center site. Mr. Christensen presented the following site priorities: acquisition costs, internal department efficiencies, ample and convenient parking, impact to city tax rolls, demolition costs, convenient and accessible traffic flow, displaced employee cost/inconvenience to residents, high visibility, and fiber optic costs. It was recommended that Council approve the current Community Center site and direct staff to proceed with the requests for proposals for a construction manager at risk for City Hall and the Community Center as a combined facility and an architect for design.

Following discussion, **Resolution No. 19-138 Identifying the Preferred Location for a New City Hall and Authorizing Requests for Proposals for Professional Construction Management and Design Services for a Joint City Hall and Community Center Facility** was introduced by Council Member Schwantes. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0. Council Member Nelsen abstained from voting, and had indicated her intentions to the Mayor prior to the meeting.

Following further discussion, **Resolution No. 19-139 Amending Previous Council Action** was introduced by Council Member Schwantes. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Schwantes thanked Mr. Christensen for the presentation and also want to recognize the three contractors who were present at the last Task Force meeting. She thanked them for the time and effort they contributed to this project.

Council Member Schwantes also stated they will be visiting other city offices on September 27th, 2019 and welcomed anyone interested in joining the tour.

City Clerk Judy Thompson presented a request for approval from the Foxhole Brewhouse, Inc. dba Foxhole Brewhouse for a 1-Day to 4-Day Temporary On-Sale Liquor License to sell alcohol during the Foxtoberfest on September 28, 2019.

Council Member Schwantes offered a motion to approve staff's request. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Clerk Judy Thompson presented a request for approval of an Off-Sale Intoxicating Liquor License for the new owners of Westside Liquor (West) located at 3001 First Avenue Northwest under the name Petrola, LLC dba Westside Market & Liquor.

Council Member Fagerlie offered a motion to approve staff's request. Council Member Mueske seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

City Attorney Robert Scott presented a request to approve an amendment to the Willmar Wye Master Agreement as per BNSF's request. He stated the amendment doesn't alter the City's responsibility except to change the date of closing on its conveyances to BNSF from March to September, 2019.

Following discussion, **Resolution No. 19-140 Approving an Amendment to Master Cooperation Agreement with Kandiyohi County, the State of Minnesota, and BNSF Railway Company for the Willmar Wye Project** was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Plowman offered a motion to **Introduce an Ordinance Authorizing the Sale of Real Property to BNSF Railway Company** and set a public hearing for September 16, 2019 at 7:01 p.m. Council Member Asmus seconded the motion which carried.

Mayor Calvin stated, for Council's information, the City ended up with two separate City Administrator's through this process and to clean everything up there will be a signing after the September 16th Council meeting and Interim City Administrator Brian Gramentz and Mayor Calvin will be signing the documents for consistency rather than having two different City Administrator's listed on the documents.

Mayor Calvin also stated that he will be presenting the 2020 Proposed Budget to the Council on September 16th as we are still waiting for all the numbers to be finalized. He indicated this was the recommendation of the City Finance Director, City Administrator, and Mayor, in consultation with Finance Committee Chair Nelsen.

Council Member Fagerlie offered the following comments: school started today and urged everyone to be more aware of students and to drive safely.

Council Member Schwantes offered the following comments: reminder of the September 27th city hall tour.

Council Member Nelsen offered the following comments: reminder the Finance Committee will meet on Thursday, September 5th at 5:15 p.m., and there will be a special Full Council Finance Meeting on September 30th to determine the levy limit.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Asmus seconding the motion which carried. The meeting adjourned at 8:32 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

CITY OF WILLMAR

RESOLUTION NO. 19-132

PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM

Motion By: Fagerlie Second By: Nelsen

WHEREAS, certain areas of the City of Willmar are subject to periodic flooding or flood-related erosion, potentially causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the City Council to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Minnesota Statutes Chapters 103F and 462,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby:

1. Assures the Federal Emergency Management Agency that it will enact as necessary in those areas having flood or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions, including:
 - a. Require permits for all proposed construction or other development in the community, so that it may determine whether such construction or other development proposed is within the floodplain.
 - b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.
 - c. Review and maintain all permit applications to determine whether proposed building sites will be, or made to be, reasonably safe from flooding.
 - d. Review and maintain all permit applications to ensure that any development activities are consistent with criteria set forth in Section 60.3 of the National Flood Insurance Program regulations.
2. Vests the Building Official of the City of Willmar's Department of Planning and Development Services with the responsibility, authority, and means to:
 - a. Assist the FEMA Administrator, at their request, in their delineation of the limits of the area having special flood or flood-related erosion hazards.
 - b. Provide such information as the FEMA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.
 - c. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
 - d. Submit on the anniversary date of the community's initial eligibility an annual report to the FEMA Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.
 - e. Upon occurrence, notify the FEMA Administrator, in writing, whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Rate Maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
 - f. Ensure that the community's Flood Insurance Rate Maps are maintained and kept current by providing the Federal Emergency Management Agency with any new or updated flood risk data or any modified data reflecting natural or man-made changes to the floodplain.
3. Appoints the City Willmar's Building Official to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all

areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood proofed the elevation (in relation to mean sea level) to which the structure was flood-proofed;

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

EFFECTIVE DATE. This ordinance shall take effect after its adoption and second publication.
Passed by the City Council of the City of Willmar this 3rd day of September, 2019.

ATTEST:

s/s Judy Thompson
Judy Thompson, City Clerk

s/s Marv Calvin
Marvin Calvin, Mayor

VOTE: AB ALVARADO X ASMUS X DAVIS X FAGERLIE
X MUESKE X NELSEN X PLOWMAN X SCHWANTES

RESOLUTION NO. 19-133

A RESOLUTION AWARDING THE AUDITORIUM ENVIRONMENTAL SERVICES PROJECT TO GREEN BAY LEAD SERVICES, LLC IN THE AMOUNT OF \$34,035.00.

Motion By: Asmus

Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the bid of Green Bay Lead Services, LLC for the Auditorium environmental services project is accepted, and the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$34,035 plus \$7,500 for additional trips if testing fails.

Dated this 3rd day of September, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-134

RESOLUTION AUTHORIZING EXECUTION OF MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT FOR AIRPORT IMPROVEMENT EXCLUDING LAND ACQUISITION

Motion By: Nelsen

Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar that the State of Minnesota Agreement Number 1035268 "Grant Agreement for Airport Improvement Excluding Land Acquisition," for State Project No. A3401-69 at the Willmar Municipal Airport is accepted.

The Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 3rd day of September, 2019

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

CITY CLERK

RESOLUTION NO. 19-135
FINAL AIRPORT SEAL COAT BUDGET
TOTAL COST \$1,008,255.00

*Budget Amounts are Essential

Motion By: Nelsen

Second By: Asmus

Code

PERSONNEL SERVICES

10* Salaries Reg. Employees
11* Overtime Reg. Employees
12* Salaries Temp. Employees
13* Employer Pension Contr.
14* Employer Ins. Contr.

TOTAL

\$0.00

RECEIVABLES

Federal \$907,429.00
State \$50,413.00
City \$50,413.00
\$0.00

TOTAL

\$1,008,255.00

SUPPLIES

20* Office Supplies
21* Small Tools
22* Motor Fuels & Lubricants
23* Postage
24 Mtce. of Equipment
25 Mtce. of Structures
26 Mtce. of Other Improvements
27 Subsistence of Persons
28 Cleaning & Waste Removal
29* General Supplies

TOTAL

\$0.00

FINANCING

Federal \$907,429.00
State \$50,413.00
City \$50,413.00
\$0.00

TOTAL

\$1,008,255.00

GRAND TOTAL

\$1,008,255.00

Dated this 3rd day of September, 2019

OTHER SERVICES

33* Travel-Conf.-Schools		
34 Mtce. of Equipment		<u>s/s Marv Calvin</u>
35 Mtce. of Structures		Mayor
36* Mtce. of Other Impr.	\$868,267.00	
37 Subsistence of Persons		Attest:
38 Cleaning & Waste Removal		
39* Other Services	\$86,826.00	
TOTAL	\$955,093.00	<u>s/s Judy Thompson</u>
		City Clerk

OTHER CHARGES

46* Prof. Serv.	\$53,162.00
48 Admin OH (Transfer)	\$0.00
TOTAL	\$53,162.00
GRAND TOTAL	\$1,008,255.00

RESOLUTION NO. 19-136**AUTHORIZATION TO EXECUTE LEASE AGREEMENT WITH BLIZZARD, LLC
FOR USE OF THE CIVIC CENTER FOR WARHAWKS**Motion By: NelsenSecond By: Asmus

WHEREAS the City of Willmar desires to enter into a Lease Agreement with The Blizzard, LLC d/b/a the (Team) and Chris Canavati and Mitri Canvati, Individually (Tenant) for the rent of ice time and certain related facilities of the Willmar Civic Center Arena for (Team) hockey games, including administrative office space and locker room facilities; and

WHEREAS an agreement has been prepared detailing the terms of the lease;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 3rd day of September, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-137**AUTHORIZATION TO EXECUTE ADVERTISING AGREEMENT WITH BLIZZARD, LLC
FOR MAIN CARDINAL RINK OF THE WILLMAR CIVIC CENTER ARENA**Motion By: NelsenSecond By: Asmus

WHEREAS the City of Willmar desires to enter into An Advertising Agreement with The Blizzard, LLC d/b/a the Team and Chris Canavati and Mitri Canvati, Individually (Tenant) for the sale of advertising in the Main Cardinal Rink portion of the Willmar Civic Center Arena for the period of June 1, 2019 until May 31, 2020

WHEREAS an agreement has been prepared detailing the terms of the advertising;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 3rd day of September, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

CITY OF WILLMAR

RESOLUTION NO. 19-138

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA IDENTIFYING THE PREFERRED LOCATION FOR A NEW CITY HALL AND AUTHORIZING REQUESTS FOR PROPOSALS FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND DESIGN SERVICES FOR A JOINT CITY HALL AND COMMUNITY CENTER FACILITY

Motion By: Schwantes

Second By: Asmus

WHEREAS, the Willmar City Council ("City Council") formed a City Hall Task Force ("Task Force") for the purpose of researching and evaluating potential sites in the City of Willmar ("City") for the construction of a new city hall pursuant to priorities established by the City Council; and

WHEREAS, the Task Force has identified and considered numerous potential sites for the new city hall and extensively involved the public in its process, and has now completed its site selection process and has recommended that the new City Hall be located on the City-owned property currently serving as the site of the City's Community Center and adjacent City-owned properties (Kandiyohi County Parcel Nos. 95-911-0780, 95-495-0010, 95-495-0020 and 95-496-0090) (collectively, the "Community Center site"), and further recommends that a new joint City Hall and Community Center facility be constructed thereon; and

WHEREAS, the City recently enacted a local option sales tax which will take effect on October 1, 2019, with approximately \$2 million of the revenues to be generated by the tax designated to be spent on a community center replacement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. The City Council hereby selects the Community Center Site as its preferred location for a new City Hall and desires to construct a new joint City Hall – Community Center facility thereon.
2. City staff are hereby authorized and directed to solicit proposals for construction manager at risk and architectural design professional services for the new joint City Hall – Community Center project, subject to final approval of this City Council of any professional services agreements for such project.

3. This Resolution supersedes and replaces Resolution No. 19-072, pursuant to which the City Council identified the “Block 25 site” in downtown Willmar as the preferred location for the new City Hall and authorized preparations for the City’s acquisition of said site.

Adopted by the City Council of the City of Willmar on September 3, 2019.

Approved:

s/s Marv Calvin

Mayor

Attested:

s/s Judy Thompson

City Clerk

CITY OF WILLMAR

RESOLUTION NO. 19-139

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILLMAR, MINNESOTA AMENDING PREVIOUS COUNCIL ACTION

Motion By: Schwantes

Second By: Asmus

WHEREAS, the Willmar City Council (“City Council”) recently enacted a local option sales tax which will take effect on October 1, 2019, with approximately \$10 million of the revenues to be generated by the tax designated to be spent on a new recreation and events center (“events center”), \$6 million on new athletic fields, \$3 million on improvements to Robbins Island, \$2 million on improvements to Swanson Field, and \$2 million on a community center replacement; and

WHEREAS, at its August 19, 2019 regular meeting, the City Council passed a motion pursuant to which City staff was directed to prepare requests for proposals (“RFP”) for construction manager at risk and architect professional services for the events center, athletic fields, Robbins Island and Swanson Field projects, with the community center project to be included as an alternate under such RFPs (the “August 19, 2019 motion”); and

WHEREAS, the City Council at its regular meeting on September 3, 2019 selected the site of the City’s existing community center as its preferred location for a new City Hall and directed City staff to solicit proposals for construction manager at risk and architectural design professional services for a new joint City Hall – Community Center facility to be constructed on the site.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City Council, having now provided direction to include the community center replacement project in a new joint City Hall – Community Center facility, hereby amends its August 19, 2019 motion by removing the community center alternate in the RFPs for construction manager at risk and architect professional services for the events center, athletic fields, Robbins Island and Swanson Field projects.

Adopted by the City Council of the City of Willmar on September 3, 2019.

Approved:

s/s Marv Calvin
Mayor

Attested:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-140
A RESOLUTION APPROVING AN AMENDMENT TO MASTER COOPERATION AGREEMENT WITH
KANDIYOHI COUNTY, THE STATE OF MINNESOTA, AND BNSF RAILWAY COMPANY FOR THE WILLMAR
WYE PROJECT

Motion By: Schwantes Second By: Asmus

WHEREAS, The City of Willmar ("City"), Kandiyohi County ("County"), State of Minnesota through its Department of Transportation ("MnDOT"), and BNSF Railway Company ("BNSF") (collectively "Parties") entered into the **Willmar Wye Project Master Cooperation Agreement Between State of Minnesota, Kandiyohi County, City of Willmar, and BNSF Railway Company**, MnDOT Contract No. 1032954 ("**Original Agreement**"), for the construction of a direct rail connection between two existing BNSF main track subdivisions, construction of a rail spur to the City of Willmar's industrial park, and modification of surrounding roadways (the "**Project**").

WHEREAS, the Original Agreement includes a "Timeline", attached therein as Exhibit F and defined as the Project Completion Timetable.

WHEREAS, the Parties have further entered into a Transfer Agreement by and between MnDOT, the County and BNSF, a Transfer Agreement by and between the County and BNSF, and a Purchase and Sale Agreement by and between the City and BNSF (collectively, the "**Property Agreements**").

WHEREAS, the Timeline sets forth the date of the first of three closings for the transfer of real property between the Parties pursuant to the Property Agreements, and the start of roadway construction.

WHEREAS, the Parties desire to change the date of the first closing and start of roadway construction as set forth in the Timeline and to make other modifications as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the Amendment 1 to Master Cooperation Agreement appended hereto is hereby approved, and be it further resolved that the Mayor and City Administrator are hereby authorized to execute said amendment on behalf of the City.

Dated this 3rd day of September, 2019.

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk